

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOANNE KINNER,

Plaintiff,

v.

1:08-CV-1240

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

Erwin, McCane Law Firm
23 Elk Street
Albany, NY 12207
Counsel for Plaintiff

Thomas C. Erwin, Esq.

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, NY 10278
Counsel for Defendant

Kimberly L. Schiro, Esq.
Karla J. Gwinn, Esq.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed on the 4th day of February 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

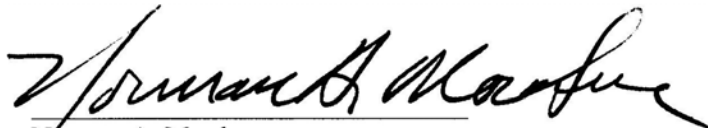
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendant's Motion for Judgment on the pleadings is denied, the decision of the Commissioner is reversed, and the case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g) for further administrative proceedings.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 19, 2010
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge